



October 11, 2002

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street, S.W., Room 1-A836
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation in CC Docket Nos. 01-338

Dear Ms. Dortch:

Pursuant to Sections 1.1206(b)(2) of the Commission's Rules, this letter is to provide notice in the above-captioned docketed proceeding of an ex parte meeting on October 10, 2002, by Jonathan Askin of ALTS, Jonathan Lee of CompTel, Jason Oxman and Preveen Goyal of Covad, Becky Sommi, John Carr, and Tim Bell of Broadview, Dick Metzger of Focal, J.T. Ambrosi of PaeTec, Ed Cadieux of NuVox, Steve Crawford and Patti Hoag of El Paso Global Networks, Margaret Ring of Network Telephone, Dennis Ahlers of Eschelon, Mary Albert of Allegiance, Scott Dulin of ATX, Dave Staley of Supra, Patrick Donovan of Swidler Berlin; and John Heitmann of Kelley Drye. The parties met with Rob Tanner, Jeremy Miller, Mike Engel, Daniel Shiman, Ian Dillner, and Tom Navin of the FCC's Wireline Competition Bureau. The parties also met with Christopher Libertelli, Legal Advisor to Chairman Powell in a separate meeting. During the meetings, the parties generally discussed CLEC concerns regarding the above-captioned proceeding, focusing primarily on the CLEC need for access to unbundled loops, transport and enhanced extended links ("EELs"). More detailed discussions of the parties' positions are contained in the parties' comments and reply comments in the above-captioned proceeding.

The parties emphasized the need for the FCC to require ILECs to provide unbundled access to loops, transport and EELs. The parties discussed the inevitable setbacks to competition and broadband deployment if the FCC were to deny CLECs unbundled access to these essential facilities or if the FCC were to allow the Bell Companies to continue to deny (and continue to game the rules requiring ILECs to provide) CLECs nondiscriminatory access to these last mile, bottleneck facilities. The parties stressed that CLECs are providing facts that show that the Bells still retain monopoly control over loops and transport. The facts show that access to unbundled loops, transport and EELs is critical to CLECs' ability to compete, and unbundling should still be required. Furthermore, the FCC must lift the use restrictions on CLEC access to EELs. The misuse of these use restrictions have essentially precluded CLECs from obtaining EELs in contravention of both the letter and spirit of FCC orders.

With regard to CLEC access to unbundled transport, the parties discussed the attached proposal to determine when sufficient competitive alternatives and processes exist such that transport need no longer be provided to requesting carriers on an unbundled basis.

If you have any questions about this matter, please contact me at 202-969-2587.

Respectfully submitted,
/s/
Jonathan Askin

FROM THE DESK OF:

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